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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 JAMES HAMMOND,

12 Petitioner,

13 vs.

14 UNKNOWN,

15 Respondent.
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Civil No. 07-2363 JLS (WMc)

ORDER:

**(1) DENYING REQUEST FOR
EXTENSION OF TIME; AND**

**(2) DISMISSING CASE WITHOUT
PREJUDICE**

17 Petitioner, a state prisoner proceeding pro se, has submitted a document in which he
18 requests an extension of time to file a Petition for Writ of Habeas Corpus under 28 U.S.C.
19 § 2254.

20 **FAILURE TO FILE PETITION**

21 Petitioner has not filed a Petition for writ of habeas corpus in this action. Therefore,
22 unless Petitioner is a capital prisoner, he has not initiated habeas proceedings in this Court.
23 Calderon (Nicolaus) v. United States District Court, 98 F.3d 1102, 1107 n. 3 (9th Cir. 1996)
24 (“Unlike non-capital prisoner who initiate habeas proceedings by filing a petition for a writ of
25 habeas corpus, capital prisoners commence federal habeas proceedings by filing a request for
26 appointment of counsel.”); McFarland v. Scott, 512 U.S. 849 (1994).
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